

PATENT APPLICATION  
U.S. Patent Application No. 10/552,192  
International Application No. PCT/IB04/01440  
Attorney Docket No. PP020009.0003

**Express Mail Label No.: EV 525254778 US      Date: December 5, 2006**

**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

In re Application of:

Vega MASIGNANI

U.S. Serial No.:	10/552,192	Confirmation No.:	8434
Int'l. Appln. No.:	PCT/IB04/01440	Group Art Unit:	To Be Assigned
Int'l. Filing Date:	April 8, 2004	Examiner:	To Be Assigned
For:	ADP-RIBOSYLATING TOXIN FROM LISTERIA MONOCYTOGENES		

**RESPONSE TO THE NOTIFICATION OF  
MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", mailed April 18, 2006 from the United States Patent and Trademark Office, enclosed herewith are the following documents to complete the missing requirements in the above-identified application:

- ☒ **RETURN COPY OF NOTIFICATION OF MISSING REQUIREMENTS**
- ☒ **COPY OF EXECUTED DECLARATION (2 pages)**
- ☒ **SURCHARGE FEE of \$130.00 (included in the enclosed check)**
- ☒ **TRANSMITTAL OF SEQUENCE LISTING INCLUDING:**
  - ☒ **STATEMENTS UNDER 37 CFR 1.821(f) and (g)**
  - ☒ **PAPER COPY OF SEQUENCE LISTING ( 8 pages)**
  - ☒ **COMPACT DISC CONTAINING CRF COPY OF SEQUENCE LISTING (1 CD)**

12/08/2006 MKAYPAGH 00000147 10552192

01 FC:1617

130.00 DP

12/08/2006 MKAYPAGH 00000147 10552192

02 FC:1253

1020.00 DP

☒ **PETITION FOR EXTENSION OF TIME:**

Applicants hereby petition to extend the time to respond to the Notification of Missing Requirements dated April 18, 2006 for 3 months from September 5, 2006 to December 5, 2006. The appropriate fee of \$1,020.00 is included in the enclosed check.

☒ **PAYMENT** – Check No. 9192 in the amount of \$ 1,150.00 to cover the above-identified fees.

☒ **RETURN RECEIPT POSTCARD**

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication and which may be required under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 03-1664.

Respectfully submitted,

NOVARTIS VACCINES AND DIAGNOSTICS, INC.

Dated: 5 DEC 2006 By:   
Marcella Lillis  
Registration No. 36,583

NOVARTIS VACCINES AND DIAGNOSTICS, INC.  
Corporate Intellectual Property – R338  
P.O. Box 8097  
Emeryville, CA 94662-8097  
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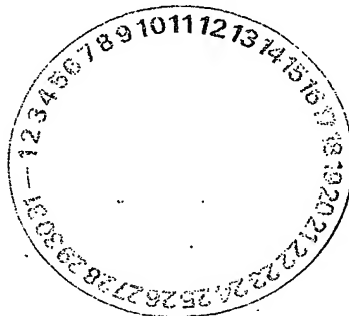


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

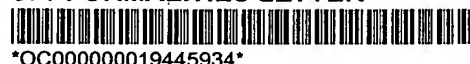
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/552,192	Vega Masignani	PP02009.0003

27476  
 Chiron Corporation  
 Intellectual Property - R440  
 P.O. Box 8097  
 Emeryville, CA 94662-8097



INTERNATIONAL APPLICATION NO.	
PCT/IB04/01440	
I.A. FILING DATE	PRIORITY DATE
04/08/2004	04/09/2003

CONFIRMATION NO. 8434  
 371 FORMALITIES LETTER



Date Mailed: 07/05/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/06/2005
- Copy of the International Search Report filed on 10/06/2005
- Preliminary Amendments filed on 10/06/2005
- Information Disclosure Statements filed on 10/06/2005
- U.S. Basic National Fees filed on 10/06/2005
- Priority Documents filed on 10/06/2005
- Specification filed on 10/06/2005
- Claims filed on 10/06/2005
- Abstracts filed on 10/06/2005
- Drawings filed on 10/06/2005
- Paper nucleotide sequence listings filed on 10/06/2005

DOCKETED on/by 7/10/06 Qu  
 Atty. CP/IRMH/PA  
 File # PP020009.0003  
 Due Date 9/5/06 Ext RS5 SL5  
 Final Date 2/5/07 RS0 SL0

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.

- Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/552,192	PCT/IB04/01440	PP02009.0003